

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NY

Index No. 08CV2365

ARTHUR BELFIORE

-against-

979 THIRD AVENUE ASSOCIATES, LLC., D & D BUILDING COMPANY, LLC.,  
COHEN BROTHERS REALTY CORPORATION AND TRICON CONSTRUCTION  
SERVICES INC.

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF NEW YORK )

Secretary of State  
BCL 306

Steven Avery, being duly sworn, deposes and says:

I am over the age of 18 years, am not party to this action, and reside in the State of New York.

That on 3/25/2008, at 9:05am, 41 State Street, Albany, NY 12207

I served the **Summons and Verified Complaint**

Upon **TRICON CONSTRUCTION SERVICES INC.**, the intended recipient,

by delivering two (2) true copies bearing Index # 08CV2365

to **Carol Vogt**, in the office of the Secretary of State of New York,

duly authorized to accept such service on behalf of the intended recipient, and at the time of making such service,  
deponent paid the Secretary of State a fee of \$40.00.

Deponent describes the person served as follows:

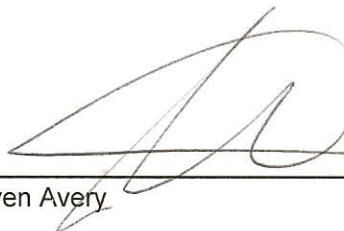
**Sex: Female; Color: White; Hair: Black; Approx. Age: 40; Approx. Height: 5'3";**  
**Approx. Weight: 135; Other:**

Said service was made pursuant to Section 306 of the New York State Business Corporation Law.

Sworn to before me on 3/26/2008:



Denise Lowe  
Notary Public, State of New York  
No. 01LO6168083  
Qualified in New York County  
Commission Expires 6/4/2011



Steven Avery

13461

Attorney: Wagner & Wagner  
2508 Amboy Road, Staten Island, NY 10306  
Phone: (718) 667-7400

SERVICE AGENT: National Process Service  
20 Vesey Street, New York, NY 10007-2953  
Phone (212) 349-3776 (108923)